THE DEPUTY CHAIRMAN: Well, if it is the opinion of the House, if you want to interrupt it, it is fine.

I have already explained the difficulty in the morning, after the Question Hour, that this comes under a Money Bill and today is the last date. The Money Bill has to be returned to the Lok Sabha before the Lok Sabha rises so that it is reported before that.

SHRI KAMAL NATH: We have taken one hour and ten minutes. We can take another one honr and forty-five minutes.

THE DEPUTY CHAIRMAN: No, no. We can ask some people to withdraw their names because you will also have to speak.

SHRI SANTOSH BAGRODIA (Rajasthan): Could I suggest that we request the Lok Sabha to continue till mid-night today?

THE DEPUTY CHAIRMAN: You may do that. It is up to you and for the Lok Sabha if it listens to you.

SHRIMATI JAYANTHI NATARAJAN: We can take it up at 4 o'clock.

THE DEPUTY CHAIRMAN: The House is adjourned for one hour for lunch and this Bill will be taken up at 4.00.

The House then adjourned for lunch at thirty minutes past one of the clock.

The House reassembled after lunch at thirty-two minutes past two of the clock, **The Vice-Chairman (Prof. Chandresh P. Thakur)** in the Chair.

STATEMENT BY MINISTER

Cauvery Water Dispute

THE MINISTER OF WATER RESOURCES (SHRI VIDYA CHARAN SHUKLA): Mr. Vice-Chairman, Sir,

After the Cauvery Water Disputes Tribunal pronounced its Interim Order on 25-6-1991, various representations were received by the Government on the question whether the Government should or should not publish the Order by notifying it in the official Gazette, in order to make it effective. In the replies to questions raised in Parliament on this issue, Government had clarified on 21-7-1991 in the Rajya Sabha that the Order would be effective from the date of its pronouncement by the Tribunal and that, in order to be effective, it does not have to be published in the Gazette.

In the meanwhile, the Government of Karnataka promulgated an Ordinance on 25-7-1991 in respect of the use of Cauvery waters in Karnataka. Since the legal position on various questions arising out of the said Ordinance and the Interim Order of the Tribunal needed clarifications, the President of India referred the matter to the Supreme Court for its opinion under Clause (1) of article 143 of the Constitution. The Supreme Court pronounced its opinion on 22-11-1991 as follows:—

"The Karnataka Cauvery Basin Irrigation Protection Ordinance, 1991 passed by the Governor of Karnataka on 25th July, 1991 (now the Act) is beyond the legislative competence of the State and is therefore, *ultra vires* the Constitution".

"The Order of the Tribunal dated June 25, 1991 constitutes report and decision within the meaning of Section 5(2) of the Inter-State Water Disputes Act, 1956".

"The said Order is, therefore, required to be published by the Central Government in the official Gazette under Section 6 of the Act in order to make it effective".

"A Water Disputes Tribunal constituted under the Act is competent to grant any interim relief to the parties to the dispute when a reference for such relief is made by the Central Government".

"Whether the Tribunal has power to grant interim relief when no reference is made by the Central Government for such relief is a question which does not arise in the facts and circumstances under which the reference is made. Hence we do not deem it necessary to answer the same".

[Shri Vidya Charan Shukla]

I had made a statement in Parliament on 25-11-1991 that the Government had accepted the advisory opinion of the Supreme Court and had decided to initiate such action as may be necessary.

The matter has been examined further—particularly in the light of the pronouncement of the Supreme Court that the interim order of the Tribunal is required to be notified by the Government, in order to become binding and effective.

Section 5(3) of the Inter-State Water Disputes Act provides for referring the matter again to the Tribunal for its guidance and explanation within a period of three months. That period expired on 24-9-1991. None of the States which are parties to the dispute before the Tirbunal made any further reference to the Tribunal seeking guidance or explanation under Section 5(3) of the Act, before 25-9-1991.

Government have also reviewed the position in respect of the availability of waters in the river Cauvery during this year. Compared to the water available during the past many years, the situation is quite favourable this year and no difficulties in making the waters available as provided for in the interm order of the Cauvery Water Disputes Tribunal are anticipated during this year.

The Government have now notified the Interim Order of the Cauvery Water Disputes Tribunal.

Government of Karnataka have made an application to the Cauvery Water Disputes Tribunal on 25.11.1991 with reference to the difficulties that may arise if adequate quantities of water are not available in the river in any particular year. Government of Tamil Nadu have also submitted their counter statement. The Order of the Tribunal in this regard will also be taken into account by the Government for appropriate steps to be taken.

The Government will make every endeavour to act in the best interests of all concerned and to uphold the sanctity of the legal process. I would also like to assure the House that Government will strive to secure the most benefici use of the Cauvery Waters and in fa proportions amongst all concerned.

THE VICE-CHAIRMAN (PRO CHANDRESH P. THAKUR): Now v have clarifications. There are far tc many names, and naturally we will follc the usual procedure.

THE MINISTER OF STATE IN TH MINISTRY OF PERSONNEL, PUBLI GRIEVANCES AND PENSIONS (SHR MATI MARGARET ALVA): What there to clarify?

SHRI H. HANUMANTHAPP (Karnataka): The Chair has announc that the usutl procedure would be foll wed.

SHRIMATI JAYANTHI NATAR JAN (Tamil Nadu): Your name is the

SHRI H. HANUMANTHAPPA: am not interested whether my name there or not. Mr. Vice-Chairman, Si this is a sensitive matter.

SHRI MENTAY PADMANABHA (Andhra Pradesh): The clarification r quired is about the procedure to followed.

THE VICE-CHAIRMAN (PRO CHANDRESH P. THAKUR): You w discover it as it unfolds.

SHRI H. HANUMANTHAPPA: B fore I make my submission, the lead intervenes. I am sorry, Mr. Padman bham. Please allow me to speak.

SHRI MENTAY PADMANABHAM: also want to seek the clarification what the Chair means by the usual pr cedure."

SHRI H. HANUMANTHAPPA: M Vice-Chairman, we are agitated. Partic larly the Members from Tamil Nadu a Karnataka are agitated in this House, a the entire House knows it.

THE VICE-CHAIRMAN (PRO CHANDRESH P. THAKUR): You do have to be agitated. We can think ov it coolly in a very compassionate way.

SHRI H. HANUMANTHAPPA: I am making my submission, please.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Yes.

SHRI H. HANUMANTHAPPA: The number of names of Members coming from outside the area, may be cut short, and the Members from that area, who want to speak, must be given an opportunity to speak. This is all my request. If the usual procedure is adopted, the number of persons from the area who all speak, will get reduced. Many people from the area must be given a chance to speak. That is all my request.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I see your point.

SHRI V. NARAYANASAMY (Pondicherry): There are four States, Karnataka, Tamil Nadu, Kerala and Pondicherry. These four States are the States concerned. Let other States get a lesser time.

SHRI MENTAY PADMANABHAM: Andhra Pradesh is also concerned with this. (*Interruptions*)

SHRI H. HANUMANTHAPPA: Others can also seek clarifications. I am not saying that they should not do so.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Let us get down to the process of seeking clarifications.

Mrs. Natarajan.

SHRIMATI JAYANTHI NATARAJAN: Sir, I would like to congratulate the Government and the hon. Minister for having taken steps to gazette the award of the Tribunal.

I would like to say that it is not a day too soon. We waited for over twenty years for justice. Anyway, it has been done. I congratulate the Government for having taken this step.

It is a matter of vital importance to the people of Tamil Nadu. River waters are a national asset. Since we are a lower riparian State, we have always suffered from a lack of Cauvery waters because of the various dams that have been built by Karnataka and because of the fact that they have extended their area of irrigation in spite of an agreement. However, that is another question.

This award, this interim award, of the Tribunal has been notified. Even last time when the Government announced the acceptance of the Supreme Court's opinion, advisory opinion, I had raised the question that Karnataka would not be able to go back for a review because, under the Act, if any review or any expansion of the terms of the order of the Tribunal is sought, it has to be done within aperiod of threet months and if the period of three months elapses, then it will be time-barred and they cannot do it. The award by itself is, by nature, an interm award. And if we keep up the delaying tactics, the period of the award itself will be over and the interm award will be completely infructuous. In that view of the matter, the last paragraph of the statement of the hon. Minister that the Government of Karnataka have made an application to the Cauvery Water Disputes Tribunal on 25th is not quite germane to the present. Proceedings by which they have notified it. In my opinion, the Tribunal will have to say that it is now time-barred. Sir, the award of the Tribunal has been notified under section 6 of the Inter-State Water Disputes Act. I have gone through the notification. I have got a copy of it here. All that the Government have done is, they have reproduced the order of the Tribunal. They have reproduced the interm award of the Tribunal in great detail. Kindly permit me to just read what section 6 says for a minute. And this is the only clarification I have to seek. I won't take a long time. Section 6 says:

> "The Central Government shall publish the decision of the Tribunal in the official gazette and the decision shall be final and binding on the parties to the dispute."

[Shrimati Jayanthi Natarajan]

Section 6A says:

> "Without prejudice to the provisions of section 6, the Central Government may, by notification in the official gazette, frame a scheme or schemes whereby provisions may be made for all matters necessary to give effect to the decision of the Tribunal."

This is what I am concerned with. I am not going to trouble you with section 6(2) and all that. But, where is the scheme? Sir, I have the notification with me here. All that they have done is, they have notified the award. Now the award is official. It is accepted by the Government. It is binding on Karnataka. It is binding on Tamil Nadu. It is binding on the Central Government. But, where is the procedure by which you are going to implement it? Now, the time is going to pass. How are we going to see that Karnataka hands over the water? I do not want to introduce any element of hostility over here. We are all colleagues. The point is, we know the attitude of the Chief Minister of Karnataka. We know how he went to the Supreme Court. We know that (*Interruption*).

SHRI H. HANUMANTHAPPA: Sir, in one sentence, she says she does not want to introduce hostility here. In the second sentence she is attacking the Karnataka Government.

SHRI TINDIVANAM G. VENKATRAMAN (Tamil Nadu): She is only putting forth the facts. That is all.

SHRI V. NARAYANASAMY: She is telling us hard facts. Why are you agitated? (*Interruptions*). Why does Karnataka alone want protection?

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Please sit down.

SHRIMATI JAYANTHI NATARAJAN: Sir, let me repeat. What I have said was just a recitation of facts. We all know the attitude of the Chief Minister of Karnataka. We all know how he did not accept the order and in order to obstruct the order of the Tribunal, to make it infructuous, he went and promulgated a completely illegal and unconstitutional ordinance which is the reason for this delay. We have already had a delay of three months by which he has complicated the situation for himself, by making the matter time-barred. He could not go before the Tribunal for review.

SHRIMATI KAMLA SINHA (Bihar): Then you should demand his dismissal. (*Interruptions*).

SHRI V. NARAYANASAMY: We want that the order of the Tribunal should be implemented. We do not go beyond that.

SHRIMATI JAYANTHI NATARAJAN: Neither the Members from Karnataka nor the Members... (*Interruption*).

THE VICE-CHAIRMAN (PROF. CHANRDESH P. THAKUR): These kinds of comments should be avoided.

SHRIMATI JAYANTHI NATARAJAN: None of us wants to politicise the issue. We are not interested in anybody being dismissed. We want water. We want justice. Therefore, I am not interested as to who the Chief Minister is. All I am saying is, in view of the Chief Minister's attitude...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Madam, the operative part is the last paragraph. The Government's intention is very clear there.

SHRIMATI JAYANTHI NATARAJAN: In view of the Chief Minister's attitude, I, coming from the State of Tamil Nadu, am very anxious to know how the Central Government is going to enforce this award. Is it going to be merely on paper? Right now, the notification that is issued by the Government is just a piece of paper. It is not more, it is not less.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Well-written piece of paper.

SHRIMATI JAYANTHI NATARAJAN : Not so well-written as I would like, Sir. Now in brief, without taking any time, it ought to have also framed a scheme by which they would have said, this is how the award is going to be implemented· That scheme is not there. That is a part of the Act. That is mandatory. That is required according to the Act. My specific question to the hon. Minister is, how are you going to see that your own notification and award of the Tribunal is implemented, particularly, in view of the fact that there is a time-frame, it is an interim award, we are going to run out of time, soon the interim award will be meaningless because it is only applicable up to a particular point of time? Secondly, will you assure us of a notificaton framing a scheme ? Specifically, I want to know when you are going to frame a scheme by which you set out all things that are necessary as the Act says and a provision is made to give effect to the decision of the Tribunal· Now this is the responsibility of the Central Government. I would like to know how they are going to do it and when the scheme is going to be framed by which they are going to do this.

Finally, I want a specific reply from the hon. Minister because the last paragraph is not quite clear. Am I right in my contention that it is now too late to seek review of the interim award of the Tribunal under the terms of the Act which had already pointed out last time? Since three months have elapsed, what will be the stand of the Central Government before the Tribunal? Will there be another modification of the order of the Tribunal?

SHRI M. VINCENT (Tamil Nadu): Mr. Vice-Chairman, Sir, I welcome the notification. The whole of Tamil Nadu is happy because of the notification of the interim award of the Tribunal. It is a victory of our hon. Chief Minister of Tamil Nadu because she stood to her ground in the matter of Tamil Nadu's right to Cauvery water. This notification is a statutory requirement. (*Interruptions*)·

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): What is your clarification?

SHRI M. VINCENT: Sir, this is my clarification. This notification is a statutory requirement. Implementation of that interim award is the crux of the problems· The benefit of this notification will reach the farmers of Tamil Nadu only if this award is implemented in letter and spirit. Section 6(A) of the Inter-State River Dispute Act gives powers to the Central Government to formulate a scheme and appoint an agency for implementing the Tribunals order. This is the bounden duty of the Centre. Therefore. I would like to know from the Minister whether the Government has formulated a scheme under Section 6(A) of the Inter-State River Disputes Act to implement the interim award of the Tribunal. If it has not been done so far will the Government formulate a scheme and appoint the Central Government officials for implementing the interim award? I am emphasising this point because 29 rounds of talks have failed due to Karnataka's stubbornness· The State Government of Karnataka promulgated an Ordinance to nullify the interim order of the Tribunal and questioned the verdict of the Supreme Court. (*Interruptions*).

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Mr. Vincent, these facts are all behind us·

SHRI M. VINCENT: The State of Tamil Nadu was not able to get enough water from 1974 which they were getting up to 1974. For seventeen years we have suffered. Therefore, the Centre should not expect Karnataka to implement the order of the Tribunal without the intervention of the Centre· (*Interruptions*).

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I am sorry. (*Interruptions*).

SHRI M. VINCENT: I want a categorical reply from the Minister as to when a

[Shri M. Vincent]

scheme would be formulated under section 6(A) of the Inter-State River Disputes Act for total implementation of the order of the Tribunal.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I submit for the consideration of the Members that attributing motives at this stage will not help. Let us apply restraint and let us seek clarifications on issues arising out of the statement which are directly concerned with the Ministers in the Central Government. If you bring in other parties and accuse and impute motives, it is not going to help you in any way. Shri Ram Awadheshji, not here; Dr. Sivaji, not here; Mr. Gurupadaswamy... (*Interruptions*)...

SHRI MENTAY PADMANABHAM: Excuse me, Sir, I have also given my name.

(*Interruptions*)

THE VICE-CHAIRMAN PROF. CHANDRESH P. THAKUR): I have got all the names in a sequence in terms of time.

SHRI V. NARAYANASAMY: Sir, I have also given my name.

THE VICE-CHAIRMAN PROF. CHANDRESH P. THAKUR): It is here, but at which point in the list is important.

SHRI MENTAY PADMANABHAM: If yor are allowing on party basis, on behalf of my party... (*Interruption*)...

THE VICE-CHAIRMAN PROF. CHANDRESH P. THAKUR): So far we are following party basis.... (*Interruptions*)...You are not a replacement, Mr. Gurupadaswamy.

SHRI V. NARAYANASAMY: Sir, I may be permitted to say that the people who give notice in advance should get preference so far as seeking clarifications is concerned. I gave notice.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): We will have to go by the recording.... (*Interrputions*)... Your turn will come... (*Interruptions*).

SHRI RAM AWADHESH SINGH (Bihar): Sir, I gave my name.

(*Interruptions*)

THE VICE-CHAIRMAN PROF CHANDRESH P. THAKUR): He has lost his chance... (*Interruptions*)... But he has lost his chance. Mr. Gurupadaswamy is on his legs. You must pa for being absent... (*Interruptions*)... am sorry. I am sorry, that is not marke here.

SHRI M. S. GURUPADASWAMY (Uttar Pradesh): Mr. Vice-Chairman, Sir it seems to me that the Government ha acted rather hastily in this matter... (*In terruptions*)...Don't interrup me. I hav not interrupted anyone.

THE VICE-CHAIRMAN (PROF CHANDRESH P. THAKUR) Please don't interrupt him.

SHRIMATI JAYANTHI NATARA JAN: I am sorry, Sir.

SHRI V. NARAYANASAMY: Sir, w want the same reciprocity from the othe side.

SHRI YASHWANT SINHA (Bihar) What is the other side? He is sitting nex to you. That side is on your bench (*Interruptions*)...

THE VICE-CHAIRMAN (PROF CHANDRESH P. THAKUR) Please sit down. Do not interrupt.

SHRI M. S. GURUPADASWAMY: made this remark because efforts are sti on to convince this Government of Indi that what the Tribunal has done is n justifiable taking into consideration th ground realities. Sir, you are a professo you will appreciate that even the best judges can go wrong on facts. I am n questioning the competence of the Tribuna to pass the Interim Order though the was no reference for such an order by th Centre and not at all by the State Go ernment of Karnataka. I don't want to ca any doubt on their motive either, but I a entitled to point out that the Tribun has not taken into consideration the factu situation and that thing has got to be poin ed out without meaning anything at a against the Tribunal. Sir, we have be saying all along that during the lean peri the quantum of 205 TMC of water whi has been fixed by the Tribunal to be giv to the Mettur Dam may not be availat

at all. This is very basic that all the reservoirs of the Cauvery Basin have approximately 113 TMC of water. During the lean period if we have to meet this requirement of 205 TMC then all the water that is stored in these reservoirs even is not adequate. We have to find water... (*Interruptions*)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Let him continue. (*Interruptions*).

SHRI M. S. GURUPADASWAMY: Please don't interfere. All the water in the reservoirs of Cauvery basin will not be 205 TMC. Then, where do we get water? What will happen to the areas in Karnataka? I have no grudge against Tamil Nadu. The farmers of Tamil Nadu are as important to me as the farmers of my own State. Their legitimate rights have got to be protected. But look at the fact that the Tamil Nadu farmers grow three crops in a year and all the three crops are wet crops, where as in Karanataka, which is an upper riparian State and contributes much of the water to the Cauvery basin, we have only a single crop and a large number of plots are only semi-dry. (*Interruptions*).

SHRI M. VINCENT: I think the hon. Member is misleading the House. (*Interruptions*)...

SHRI B. K. HARIPRASAD (Karnataka): You are having your own story in your mind. (*Interruptions*)...

AN HON. MEMBER: Mr. Vice-Chairman, Sir, I think it is only clarification. (*Interruptions*)...

SHRI R. S. NAIK (Karnataka): Let him raise this question. You listen to him (*Interruptions*)...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You please sit down. (*Interruptions*)...

SHRI TINDIVANAM G. VENKATRAMAN: You should not distort the facts. There cannot be any distortion of the facts. (*Interruptions*)...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR) : I am sorry. Please sit down. This running debate will not help the matter. Let him continue. Let him speak. When you speak you can refute that at that time. Unless he makes his submission the whole process will continue unabated. (*Interruptions*)...

SHRI TINDIVANAM G. VENKATRAMAN: I am on a point of order. (*Interruptions*)...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): No point of order. (*Interruptions*)...

SHRI T. A. MOHAMMED SAQHY (Tamil Nadu): It is only clarification. He has to seek clarifications only. (*Interruptions*)

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): He is a very senior Member. He knows what to say and what not to say and what his purpose is in seeking clarifications. Let him make his points. (*Interruptions*)...

SHRI M. S. GURUPADASWAMY: Sir, I am only drawing the attention of the House to the incongruities on facts and the ground realities. (*Interruptions* by (*Shrimati Jayanthi Natarajan*)...You want me to speak or you want me to stop here. What is this you are talking about? (*Interruptions*)...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Don't be distracted by these comments... You please go on. (*Interruptions*)...

SHRI M. S. GURUPADASWAMY: I have some respect for your colleagues here. Sir, I am trying to understand the order also with the help of the Minister. The order says that in case we do not give sufficient water in one week, whatever the quantum, then in the next week we have to give additional water plus something due. When there is no water at all, how can we find this additional water? Even today, I ask those friends respectfully... (*Interruptions*)...

THE VICE-CHAIRMAN PROF. CHANDRESH P. THAKUR): Don't ask them. Ask the Minister.

SHRI M. S. GURUPADASWAMY: Let them ponder over. After all I have nothing to fear. Even during the lean season some water is going to the ocean. According to our estimate 58 TMC of water is being allowed to flow to the sea. We have been saying all along, why don't you have some pick-ups to use this water to your advantage and to our advantage too? Sir, the point is even now, even dur-

3.00 P.M.

ing lean period some water is going to the sea that can be conserved, that can be used. Sir, there is a stretch of territory between Karnataka and Mettur Dam and that stretch belongs to Tamil Nadu. The Tribunal has not applied its mind to that. In that stretch water is available and that also flows to the Mettur Dam. That quantity is not taken into consideration at all. These are the facts which I want the Minister to take into consideration. (*Interruptions*).

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Mr. Gurupadaswamy the limited purpose of seeking clarifications is, the issues arising out of the statement.

SHRI M. S. GURUPADASWAMY: These are the issues. That is why...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): You are giving some additional facts.

SHRI M. S. GURUPADASWAMY: No, they are not additional. (*Interruptions*).

SHRIMATI JAYANTHI NATARAJAN: Sir, these are the matters which should have been raised... (*Interruptions*).

SHRI M. S. GURUPADASWAMY: I am not yielding. (*Interruptions*).

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): He is not yielding. (*Interruptions*).

SHRIMATI JAYANTHI NATRAJAN: The matters which should have been raised before the Tribunal should not be raised here. (*Interruptions*). He is not the Tribunal. (*Interruptions*).

SHRI V. NARAYANASAMY: The issues are raised.... (*Interruptions*). Let him only speak. We will go out. (*Interruptions*).

THE VICE-CHAIRMAN (PROF CHANDRESH P. THAKUR): Please si down. (*Interruptions*).

SHRI V. NARAYANASAMY: We ar not to be guided by other Members, wha to speak, what not to speak. Why shoul Members dictate to us? (*Interruptions*).

THE VICE-CHAIRMAN (PROF CHANDRESH P. THAKUR): Pleas take your seats.

SHRIMATI JAYANTHI NATARAJAN What they have argued before the Tribuna now they tre arguing here. (*Interrup tions*). He is not a Tribunal. (*Interrup tions*).

SHRI TINDIVANAM G. VENKAT RAMAN: Is the Chairman going to reviev (*Interruptions*)... I wanted to knov whether... (*Interruptions*)

SHRI GURUDAS DAS GUPTA (Wes Bengal): Sir, I am on a point of order.

THE VICE-CHAIRMAN (PROF CHANDRESH P. THAKUR): What i your point?

SHRI GURUDAS DAS GUPTA: Si the business of the House as listed toda clearly indicates that we shall take up a 3 p.m. a discussion on rising terrorism an violence in the country. As far as the li of business of the House is concerne that must get precedence over and abov a certain extraneous decision of the Gov ernment to make a state ment in the House resultin in such an uproarious scene. I tak this opportunity to make a submission th let us believe that senility has not replace sanity in this country. Otherwise, Sir, th House of Elders cannot be allowed to tur into a place of acrimony, mutual acrimon between the representatives of two State because we do not belong either to Tam Nadu or to Andhra Pradesh or to Pond cherry or to any part of that region. (*In terruptions*).

SHRI V. NARAYANASAMY: How M Gurupadaswamy has become a saint? No he is preaching to others. (*Interruptions*) Now you are talking like that. (*Interrup tions*). All of a sudden you have becom a saint. (*Interruptions*).

SHRI TINDIVANAM G. VENKATRAMAN: We are all Indians (*Interruptions*).

SHRI GURUDAS DAS GUPTA: It is because the people have agitated...(*Interruptions*).

SHRI TINDIVANAM G. VENKATRAMA: Don't cast aspersions. (*Interruptions*). Such a senior Member should not...(*Interruptions*).

THE VICE-CHAIRMAN (PROF CHANDRESH P. THAKUR): Please sit down. (*Interruptions*).

SHRI V. NARAYANASAMY: He is saying something about sanity. I take strong objection to what he has said. (*Interruptions*).

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Please sit down... (*Interruptions*).

SHRI V. NARAYANASAMY: Sir, I take strong objection to what he said... (*Interruptions*)...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Let me make my observation...(*Interruptions*) ...Please sit down...(*Interruptions*)...

SHRI V. NARAYANASAMY: He has talked as if he is...(*Interruptions*)...the only intelligent person in this House... (*Interruptions*)...Sir, this is wrong on his part...(*Interruptions*)...

SHRI TINDIVANAM G. VENKATRAMAN: He has commented on the Members...(*Interruptions*)...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Wait a minute...(*Interruptions*)...The basic point is that he wanted to seek clarification from the Minister on the issues arising out of the statement. There are Members coming from one State and there are other Members coming from yet another State. While making their submissions, they may make certain points which could provoke the other Members coming from other States...(*Interruptions*)...

SHRI TINDIVANAM G. VENKATRAMAN: I am sorry. Sir...(*Interruptions*).

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): What are you sorry for?...(*Interruptions*) ...

SHRI TINDIVANAM G. VENKATRAMAN: Sir, we are not provoking anybody...(*Interruptions*)...We are only representing our case...(*Interruptions*)...

THE VICE-CHAIRMAN: (PROF. CHANDRESH P. THAKUR): Pleased sit down. Let me make my point. When Mr. Gurupadaswamy is seeking clarifications, as a senior Member, I am sure he will keep in view, so far as this choice of words is concerned, that it is confined to the issue arising out of the statement made by the Minister...(*Interruptions*)... and the more you interrupt, the worse becomes the nature of discussion. It does not help. Now coming back to our friend, Mr. Gurudas Das Gupta, the spirit of his statement that there should be no noise and interruption while seeking clarification is well taken. But I would certainly... (*Interruptions*)..so far as his choice of words is concerned, I would request him to reconsider them and preferably withdraw them...(*Interruptions*)..

SHRI GURUDAS DAS GUPTA: Definitely. Sir, I will remember it. (*Interruptions*)...

SHRI V. NARAYANASAMY: You fust withdrawn your remakss ... (*Interruptions*)...

SHRI MENTAY PADMANABHAM: Sir, the real point now in question is: at 3 PM another matter is listed on the agenda. What are we going to do about that...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Sir, I would like to clarify my position. I did not mean any particular person or Member... (*Interruptions*)...at 3 PM we are having another matter...(*Interruptions*)...

SHRI TINDIVANAM G. VENKATRAMAN: Sir, he is adding insult to injury...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Sir, I withdraw my remarkes...(*Interruptions*)

THE VICE-CHAIRMAN: (PROF. CHANDRESH P. THAKUR): The matter is closed now. He has withdrawn it. Thank you....(*Interruptions*)....

SHRI MOTURU HANUMANTHA RAO (Andhra Pradesh): Sir, I am on a *point of order*...*(Interruptions)*...Sir, in the agenda we have short duration discussion?...*(Interruptions)*..

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I would like to seek the consensus of the House. Would you like to continue with the discussion?...*(Interruptions)*...

SHRI MENTAY PADMANABHAM: Let us go by the agenda ...*(Interruptions)*...

SHRI YASHWANT SINHA: Sir, the order paper is already there ... *(Interruptions)*...

SHRIMATI JAYANTHI NATRAJAN: Sir, I want to bring something to your notice...*(Interruptions)*... I am on a point of order...*(Interruptions)*.

SHRI H. HANUMANTHAPPA: Sir, I have a point of order ... *(Interruptions)*...

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Yes, what can I do for you?...*(Interruptions)*...

SHRIMATI JAYANTHI NATARAJAN: Sir, I am on a point of order and I raised it first...*(Interruptions)*... My yoint is, before the House adjourned for lunch, the hon. Deputy Chairman who was in the Chair took the sense of the House. The Water Pollution Bill was being taken up when the Cauvery statement was to be made. Because the Water Bill is a Money Bill which has to be returned to the Lok Sabha before 6 o' clock today, it was decided after taking the sense of the House that whatever happened, even if the discussion was taken up at 3 o' clock, the Water Bill would be taken up at 4 o' clock since that had to be returned to the Lok Sabha before 6 o' clock. So in any case, this discussion will have to be stopped at 4 o' clock. Therefore, my suggestion to you and my colleagues is that we shall continue with the clarifications and take up the Water Bill at 4 o'clock. Since the discussion would be interrupted, this could be taken up after the Water Bill is returned.

SHRI GURUDAS DAS GUPTA: In that case, let us postpone it. That is a very important issue. We discussed it in the Busness Advisory Committee. If it is decided that we shall discuss it after 6 o' clock till midnight, there is no purpose in doing it. This is the most important issue facing the nation.

SHRIMATI JAYANTHI NATARAJAN: We will have it tomorrow... *(Interruptions)*.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): The Minister wants to say something.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): I only want to clarify one point that if you want to take up the discussion on the law and order, terrorism or some forces outside and things like that listed at 3 o' clock the Government is ready. We are sitting here. We will listen to the speeches. It should not be mistaken that because we are not ready, it should be postponed. Because the sense of the House was taken in the morning and the Deputy Chairman gave her ruling, I have no objection even if you agree that this be continued up to 4 o' clock. I am prepared.

SHRI K. G. MAHESWARAPPA (Karnataka): You have not heard me.

THE VICE-CHAIRMAN: (PROF. CHANDRESH P. THAKUR): What is your point? ...*(Interruptions)* He is on a point of order...*(Interruptions)*.

SHRI G. G. SWELL (Meghalaya): If you decide to postpone the short duration discussion, some of us can go away. We need not wait.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): We would like to continue. Stay on, please.

SHRI K. G. MAHESWARAPPA: They are not allowing me even to open my mouth. With folded hands, I appeal to my colleagues that we shall continue with the

clarification. This is a very, very important and sensitive subject to both the States. I appeal to my colleagues on both sides to take up this clarification now and postpone the discussion.

श्रीमती सुषमा स्वराज (हरियाणा) : उपसभाध्यक्ष महोदय, मेरा इसी पर प्वाइंट आफ आर्डर है । जो जयंती नटराजन जी ने कहा है, वह सौ फीसदी सही है । लंच के लिए एडजर्न होने से पहले यह बात आई थी और तकनीकी कठिनाई का हवाला दिया गया था कि 14 दिनों के अन्दर मनी बिल लोक सभा को रिटर्न करना है इसलिए आज 6 बजे तक वाटर पोल्यूशन सेस (अमेंडमेंट) बिल वहां जाना चाहिये । उस पर चूंकि अभी चर्चा अधूरी थी वह बिल महत्वपूर्ण बिल है इसलिए हाऊस की सेंस ले कर तय किया गया कि 4 बजे वह बिल टेकअप किया जाए और 4 बजे से 6 बजे तक वह चर्चा चलेगी ।

अब अगर यह कावेरी की क्लेरीफिकेशन 4 बजे तक चलती है तो हम को कोई एतराज नहीं है । जैसे गुरुदास दासगुप्त जी ने कहा है कि यह मसला टेररिज्म मिनेस का इतना महत्वपूर्ण है जिस पर हम चर्चा करने जा रहे हैं इसलिए शाम को 6 बजे का समय उपयुक्त समय नहीं है । बाद में डिप्टी चेयरमैन से हमारी अलग से बात हुई उसमें भी यह कहा गया कि बेहतर यह होगा कि यह चर्चा हम कल प्रारम्भ करें और कल ही समाप्त करें बजाय इसके कि आज शाम के समय यह चर्चा शुरु हो । वाटर पोल्यूशन सेस (अमेंडमेंट) बिल में चूंकि तकनीकी कठिनाई है, मेरा आपसे अनुरोध है कि आप इस पर रूलिंग दें । चार बजे तक आप कावेरी पर क्लेरिफिकेशन पूरा कर लें और चार बजे के बाद उस बिल को ले लें । 6 बजे चाहें तो हाऊस एडजर्न हो जाए या बैककारी विनियमन बिल को लें । कल सुबह क्वैश्चन आवर के तुरंत बाद (**व्यवधान**)

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : पांच बजे एक और क्लेरिफिकेशन होना है ।

श्रीमती सुषमा स्वराज : इस पर क्लेरिफिकेशस सीक नहीं किये जाने हैं । यह तो पांच सात मिनट की केवल इनफारमेशन है लखीमपुर खेरी के बारे में, जो डिप्टी चेयरमैन ने बताया ।

लेकिन मेरा कहना यह है कि आप इस पर अपनी रूलिंग दीजिये । इतना इम्पोर्टेंट डिसक्शन शाम को 6 बजे हम नहीं लेना चाहेंगे, इसको आप कल सुबह प्रश्नकाल के बाद लीजिये और कल ही समाप्त करिये ।

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I have heard all of you. The fact remains that we have many items in the agenda. Each agenda item is important in its own way. The person behind that is a Member at par. However, in the ultimate analysis the wisdom of the House prevails. I can give my ruling. That is the easiest thing to do. Are you prepared to go by the earlier sense taken in the forenoon or do you want to revise it?

SOME HON. MEMBERS: We can revise it.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): Then you have to revise it on several counts. Are you prepared to finish all clarifications and the reply by 4 o' clock so as to be in a position to take up the Water Cess Bill at 4 o' clock?

SOMES HON. MEMBERS: Agreed.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): If all the names which are listed here are not accommodated within the time frame not because of the Chair but because of lack of cooperation from fellow Members, then it will be guillotined. Then it will finish at 4 o' clock sharp. the Minister's reply being the last item.

SHRI G. G. SWELL: You guillotine, what?

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): The number of clarifications on Cauvery. You have the

[Prof. Chandresh Thakur]

other choice. Do you want to exercise your sense to sit beyond 6 or do you want to decide at later?

SOME HON. MEMBERS: We shall take up the other thing tomorrow.

SHRI YASHWANT SINHA: The only point is if you want to guillotine it at 4 o' clock, in your calling the names please make suro that everybody gets a chance.

SHRI G. G. SWELL: We will postpone the Short-Duration Discussion.

SOME HON. MEMBERS: Yes.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): The Short-Duration Discussion is postponed till tomorrow. Mr. Gurupadaswamy, you may continue.

SHRI M. S. GURUPADASWAMY: I am happy that clarifications are being continued now, because I did not want any interruption. I am glad about your ruling.

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): I only hope that you don't earn further interruptions.

SHRI M. S. GURUPADASWAMY: The availability of water being what it is, it may be very diffilult. Let the Tribunal come and watch the water-flow. Let the Government of Tamil Nadu come and watch the water-flow. Let them take into consideration the water available in the basin. No reference has been made to the Tribunal either by the Centre or by Karnataka to have an interim order. When this question came up, the Tribunal gave a decision that it was not competent to pass an interim order. But still they went to the Supreme Court. The Supreme Court said the Trbunal was competent to give an interim order. The Tribunal passed an interim order. My friend, the Minister, has referred to the Ordinance. The Ordinance was again taken up before the Supreme Court. There was a reference by the President about the constitutional validity of the Ordinance. Only on that issue the Supreme Court has given its opinion that the Ordinance passed by the Karnataka Governor is ultra vires the Constitution. Nothing beyond that. The Ordinance i ultra vires. And that is only an opinion And I value the opinion of the Supreme Court. After all, the Supreme Court is the supreme oourt, the highest body. It has to be respected. But I want to respectfully submit that the Supreme Court's view is about the Ordinance and nothing else; it does not go beyond that. When the matter was pending before the Supreme Court, the Government of Karnataka did not think it proper to seek clarifications. That was the point. Why did not the Government of Karnataka seek clarifications within three months? It did not do it thinking that the matter was pending before the Supreme Court. They thought it might lead to further complications. There is no mala fides in this; there is no motive to avoid the Tribunal. It is because the matter was before the Supreme Court and they thought that they should wait for the opinion of the Supreme Court. So, the opinion of the Supreme Court came and there we are. Neither the Karnataka Government nor the Centre had sought for clarifications and all that we have been saying is that we should ask for the clarifications from the Tribunal. Apart from the time-bar that our friends have already quoted—I agree. But these are special circumstances in which we are placed. Pleased remember, Sir, that even the Supreme Court did not decide the issue whether the Tribunal has power to grant interim relief when no reference is made by the Central Government for such relief. They have not decided this question at all because they have said that it is not necessary. According to them, any interim order is a judgment, it is a report and is to be puolished in the Gazette. Therefore, you should appreciate the circumstances in which the Government of Karnataka is placed. Now, the Karnataka Government has made an application before the Tribunal, according to my friend, the Minister, and they have asked for certain clarifications from the Tribunal on the 25th November 1991 and till now they have not given any decision on the application made. What the Minister has said is that they will take that also into consideration if and when the Tribunal passes an order on the application filed by the Karnataka Government.

SHRI V. NARAYANASAMY: What is your clarification?

THE VICE-CHAIRMAN (PROF. CHANDRESH P. THAKUR): He is coming to that.

SHRI M. S. GURUPADASWAMY: Sir, this is the position now. In view of the application, where was the hurry for publishing this in the Gazette? My friend, the Minister, has been in a hurry to publish it in the Gazette. I do not know why. He should have waited.

[THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) in the Chair]

I say there is no injustice to Tamil Nadu Government or to the farmers of Tamil Nadu. Now, there is plenty of water, there is more than 205 TMC of water flowing much of which is flowing into the ocean and the Mettur dam is full. So, there is no injustice caused to the Tamil Nadu Government and the Government should have waited. That would have helped matters. I have been taking this position from the very beginning that with a view to having good neighbourly relations between Tamil Nadu and Karnataka, the best and the only course is to have a negotiated settlement.

SHRI T. A. MOHAMMED SAQHY: Sir, he is not asking for any clarification... (Interruptions)...It is not the Tribunal that we are discussing now... (*Interruptions*)... Negotiations are all over... (*Interruptions*)... We have had 29 rounds of talks... (*Interruptions*)...

SHRI M. S. GURUPADASWAMY: Just wait. I have heard you... (*Interruptions*)...

SHRI H. HANUMANTHAPPA : In how many rounds of discussions were you present? You ran away ... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Mr. Gurupadasawamy, you please ask for clarifications.. The Minister is listening... (*Interruptions*)... ,

SHRI M. S. GURUPADASWAMY : Sir, I do not want to be harsh and I do not want to use any harsh language... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : What is the clarification

SHRI M. S. GURUPADASWAMY : Sir, let not my friends from Tamil Nadu, whom I respect [illegible] love, behave like Shylock asking for their pound of flesh Therefore, I ask the Minister how, in view of the hard realities, ground realities, when there is no availability of water, he expects the Karnataka Government to fulfil the directive of the Tribunal. This is the question, the pertinent question. If water is available, yes, it is all right.

Sir, I am glad about one sentence of the Minister in the statement. I would like to quote it.

> "I would like to assure the House that Government will strive to secure the most beneficial use of the Cauvery waters and in fair proportions amongst all concerned."

It means that the interest of the farmers in Karnataka is not going to be affected at all, I am very happy if the statement means that. Does it mean that? Otherwise the farmers in Karnataka are going to suffer, for no reason, for no justification. They are going to be very much in trouble. Therefore, Sir, I would like the Minister even now at this late hour to call the Chief Ministers of both the States and reach an amicable settlement. That is the best. Tribunal is not the answer. Court is not the answer. The only answer is negotiated settlement. (Time bell rings) if you bring about a negotiated settlement and we as States function and live as good neighbours, there should be fair share of water. That is our case. And let the water. Today Tamil Nadu has got a lions's Minister look into the matter, the whole matter. Otherwise if you insist that the letter of the Tribunal is to be implemented in toto, whether water is available or not in the basin then I am

[Shri M. S. Gurupadaswamy]

afraid the Government of Karnataka will not survive. No Government of Karnataka will survive. Let me tell you that. It may be your party or it may be our party. No Government in Karnataka will survive. The people of Karnataka will not tolerate this. This is a hard warning. This is a fact. With a view to have a settlement and a good atmosphere between both the States, let them talk and have negotiations. Let this so called Order be kept pending.

SHRI V. NARAYANASAMY : Mr. Vice-Chairman, Sir, I thank the hon. Prime Minister and our Water Resources Minister for having taken the decision to gazette the Interim Award of the Tribunal. Sir, it is a golden day in the history of the people of Tamil Nadu and my State, Pondicherry, because the long-drawn battle has been partly won and we have been given a share in the Cauvery water, which was actually due. But, Sir, I am pained to see the senior Member who is now telling that the Cauvery water problem...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : It is not a debate.

SHRI V. NARAYANASAMY : I am not going into the debate. He is telling that the Chief Ministers could be called and a discussion can be held. It is because, Sir, we have forgotten that so many times we called for negotiations but the settlement failed and Karnataka backed out of it. Sir, I would like to submit to the hon. Water Resources Minister that the attitude of the Karnataka Government is totally indifferent. The reason is that even after the Supreme Court reference when they exhausted all the remedies now they have filed a review position before the Tribunal. This is Number one. No. 2, when the Central Government announced this decision to gazette the Interim Award, then the Karnataka Cabinet passed a resolution requesting the Prime Minister not to gazette the Award. Sir, this is the attitude of the Karnataka Government. Therefore, Sir, the course open to the Water Resources Minister is to apply, in letter and spirit, section 6 of the Inter-State Water Dispute Act. The reason is that though it is gazetted, schemes have not been given in the Gazette. A committee has not been appointed for the purpose of implementing it. Sir, simply gazetting the Award will not serve the purpose. Sir, whatever may be the problem with the States, my submission is that if Karnataka feels that they are aggrieved—it is only an interim Award, it has to be implemented—they can agitate the matter before the Tribunal once again. Whatever points are there, they can make out. Then when the final award is passed by the Tribunal, all these issues can be taken into consideration.

Sir, my only question to the hon. Water Resources Minister is, when is he going to formulate the scheme? No. 2, when are they going to announce the committee for the purpose of implementing the award?

Thank you.

SHRI GURUDAS DAS GUPTA: Sir, frankly speaking, I believe that this decision of the Government should be supported by all sections in the House. And I give my support not because I believe the decision to be correct—there may be more details about the problem connected—but I lend my support because an attempt has been made by the Government of India to settle a long-standing dispute between two border States. And this is a step the Government has taken to settle a long-drawn confrontation. That is the reason why I give support. And I support for another reason, Sir, because if you keep a problem lingering for a pretty long period of time, then we know what happens. What is happening today in Kashmir, what is happening today in Punjab is also an outcome of this lingering, of the Government allowing the problem to linger, and the people to languish. But, at the same time, Sir, I seek clarifications from the Government because I am really perturbed by the statement made by my honoured senior colleague in the House that no Government shall stay in Karnataka, and no Chief Minister shall rule because the emotion of the people has reached to such a pitch that the people are not going to tolerate. If this is the...

(*Interruptions*)... level of anger or anguish or alienation or whatever you may call it, if this is in him, then I can well imagine what is there in the populaton.

Sir, I raised the question of sanity deliberately because it is the time for all of us, whether in the South or in the North, to ponder whether we should allow our mutual problems—I do not say acrimony, but mutual problems—to reach such a level. And if we allow this problem to reach such a level, what is going to happen to the Indian federalism? Sir, we have before us how great nations are disintegrating, how the Soviet Union is on the point of disintegration. I do not say it is disappearing. We know how Yugoslavia is disappearing. And the main reason there is the sense of alienation, the fear of domination. This is leading to disintegration.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please ask your clarifications.

SHRI GURUDAS DAS GUPTA: Therefore, Sir, should not these examples be an example to us, should not this be a reason for dawning of a better feeling I may not call it sanity. But, should I call it a better sense of co-operation and understanding among the different people? From that respect, Sir, I would ask the Central Government to tell me what steps they are going to take to assuage the feelings of the people of Karnataka because, if the feelings of the people of Karnataka are not assuaged, then whatever may be in letter, it is not going to be implemented. What are you going to do to assuage their feelings? The next clarification I would ask is: Why is this controversy, Sir? This controversy is because Cauvery gives water for irrigation. Sir, I would like to ask the Government of India and particularly the Minister one thing. Cauvery cannot be the panacea for giving the water there are other water resources. Therefore, in order to assuage the feelings of Karnataka, will the Government of India consider giving them additional grant to develop minor irrigaton schemes and other schemes that can give them enough water, at least to make good the loss which they believe is taking place because of this Cauvery problem? Sir, this is very important. Sir, the third clarification which I would like to seek from them is what steps the Government is going to take to ensure that this agreement or this decision is going to be implemented.

Lastly, Sir, I would like to utter a few sentences. It is important, it is very imporant for the national leaders, whether in the Parliament or outside, to raise to a certain level. If we cannot raise to a certain level, and if we cannot look at the problems from a national angle, if we make ourselves succumb to the influence of other considerations which are not of national level, then I am afraid, Sir, we may debate the Cauvery dispute, we may put forward our cases, we may get alarmed because the question of sanity was raised, but the future is bleak for the country, the Indian nation itself will go down in history as a n ation quarelling within itself. And ultimately, the process of disintegration will start. That is why I plead for sanity; I plead for reasonableness; I plead for everybody taking a different angle on the issue that is distressing our people.

श्री सत्य प्रकाश मालवीय : उपसभाध्यक्ष महोदय, मेरा केवल एक स्पष्टीकरण है और वह मंत्री जी का जो उत्तर है और उस उत्तर का जो अंतिम पैराग्राफ है उससे पहले, कर्नाटक की सरकार ने जो जल-विवाद अधिकरण है उसके समक्ष अपना एक प्रतिवेदन 25 नवंबर, 1991 को दिया और उसमें उन्होंने उन कारणों को लिखा है । यदि किसी खास वर्ष पानी की कमी होगी तो उस पानी की कमी के होते हुए जल का बटवारा हो पाएगा या नहीं हो पाएगा, उसके बारे में कर्नाटक सरकार ने अपना प्रतिवेदन 25 नवंबर को दिया । उसके उत्तर में तमिलनाडु की सरकार ने अधिकरण के समक्ष अपना एक प्रतिवेदन प्रस्तुत कर रखा है । अब इस सरकार का यह कहना है कि जैसा भी अधिकरण का निर्णय होगा, उस निर्णय को ध्यान में रखकर केन्द्र की सरकार कार्यवाही करेगी। तो मेरी समझ में फिर एक वाद-विवाद

[श्री सत्य प्रकाश मालवीय]

उत्पन्न हो सकता है । इसलिए कम से कम यह सरकार इस सदन को यह जानकारी जरूर कराए कि 25 नवंबर 1991 का जो कर्नाटक सरकार का प्रतिवेदन है, उसमें आधार क्या है, किन कारणों को लिया गया है ? और, उसके उत्तर में तमिलनाडु की सरकार ने क्या उत्तर दिया है ? कम से कम आप इसका स्पष्टीकरण करें । जब यह स्पष्ट हो जाए तो फिर मैं अपना स्पष्टीकरण पूछूंगा । ...(व्यवधान)...

उपसभाध्यक्ष (श्री भास्कर अन्नाजी मासोदकर) : फिर स्पष्टीकरण पर स्पष्टीकरण ।...

श्री सत्य प्रकाश मालवीय : जी हां, क्योंकि उसकी इसमें चर्चा नहीं है और बगैर उस जानकारी के मैं स्पष्टीकरण पूछ नहीं सकता ।

SHRI TINDIVANAM G. VENKATRAMAN: Mr. Vice-Chairman, before congratlating the Prime Minister and the Irrigation Minister, I think it is my duty to place it on record that while Dr. Kaliagnar was there as the Chief Minster of Tamil Nadu, this Cauvery issue had taken a definite shape and during his term of office, after 27 meetings between both the Governments, a resolution was passed, cutting across party lines, in the local Legislative Assembly that a tribunal has to be set up in the circumstances of the case, that a tribunal must be established. Then a petition was given to the then Prime Minister, hon. Shri V. P. Singh. Both the State Governments also gave petitions and the tribunal came into existence, and we have seen its interim award also. This was questioned by way of an ordinance by the Karnataka Government, and now the matter has been set at rest by reference by the President on this matter. Better late than never—as the proverb goes. We have seen that, though late, the Central Government has gazetted it. As my colleague on the other side, Mrs. Jayanthi Natarajan, has pointed out, we really want a scheme which has to be worked out. It is not to remain on paper only; the scheme should be effective; there should be an effective order, and I may also submit, that the scheme has to be immediately implemented; it must take effect immediately. Our senior colleague just pointed out, the solution lies by a compromise during the talks. But that position is over now; the matter has been decided already. As my friend puts it, the final order has to be obeyed; both the Governments have to obey the final order. That is a different matter. He also raised another issue, that suppose, there is no water. If there is no water, the Central Government will act accordingly. If there is no water, then both sides have to come to a settlement in order to tide over that situation...

SHRI MISA R. GANESAN (Tamil Nadu): Let us hope for the best; let us hope that there is plenty water in Cauvery. Cauvery has never failed on that count.

SHRI TINDIVANAM G. VENKATRAMAN: Therefore, the scheme has to be immediatel implemented; a committee has to be appointed, and members have to be appointed on that committee. The award must be put into effect. It should not be delayed any further.

SHRI MENTAY PADMANABHAM: Mr. Vice-Chairman, Sir, I will not take much of your time, because my colleauges from Karnataka, as well as Tamil Nadu... (*Interruptions*)

SHRI H. HANUMANTHAPPA: At 4 p.m., it is going to be guillotined. (*Interruptions*).

SHRI MENTAY PADMANABHAM: My colleagues from Karnataka, as well as Tamil Nadu, have made their points. But I would like to seek a clarification on one important aspect. After all, this sharing of the Cauvery waters is on an ad hoc basis. I am not going into

the details of the interim order of the Tribunal or, the Ordinance of the Karnataka Government. My suggestion is, the two Governments should resolve the problem bilaterally, without giving a scope for passions to be raised, without giving a scope for emotions to be raised, on both sides. After all, such inter-State river disputes are not new. This dispute is also not new. There are such disputes between various States. For example, in the case of my State, Andhra Pradesh there is the dispute over the Krishna river waters. As I said, this is a temporary, ad hoc, arrangement. As long as there is plenty of water in the Cauvery, both Karnataka and Tamil Nadu can sit together and resolve the issue. But the real problem is, the water availability in the Cauvery Basin is not sufficient to meet the requirements of both the Karnataka and the Tamil Nadu farmers. Therefore, the Central Government should have a broader perspective. Have they thought in terms of creating a Southern Water Grid? Now, nearly seventy to eighty per cent of the waters of the river Godavari, during flood, is going waste into the sea. I come from a place where plentifulness of water is the problem. We have a lot of water. We do not know how to drain it out. There is a lot of water. We do not know how to clear the inundation.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Gurupadaswamyji is here. Both of you can sit together.

SHRI MENTAY PADMANABHAM: Sir, this is a very important issue. This has been agitating the minds of the people, particularly, in some parts of Andhra Prodesh, Tamil Nadu and Karnataka. They are rain-shadow areas; Rayolaseema, and some parts in Karnataka and Tamil Nadu. We have to find a lasting solution to the problem.

The only solution possible is, to divert the Godavari waters to the Krishna Basin, from the Krishna Basin to Pennar, and from Pennar to the Cauvery Basin. If you can save the water which is now being used in the Krishna Basin by the farmers of the Krishna Delta, it can be diverted, through the Tungabhadra Canal, to Karnataka. The drought- prone areas of Karnataka will be benefited by this.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): We want another issue?

SHRI MENTAY PADMANABHAM: This is not another issue. This is a related issue. I am not taking sides on the present dispute. This is a major issue. This is the only way we can resolve the dispute over the Cauvery waters. This is the only way. There is no other way. Therefore, may I know from the hon. Minister whether he is thinking in terms of sanctioning the Polavaram Project? Ultimately, the Mahanadi can be linked with Godavari. This will result in a lasting solution of the river disputes in the South. Therefore, instead of wasting time on smaller issues, or, making temporary arrangements, I would request the hon. Minister...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Padmonabhamji, if you say 'Mahanadi', the hon. Minister is concerned.

SHRI MENTAY PADMANABHAM: This is the only way. If we link up the Mahanadi with Godavari, Godavari, with Krishna, and Krishna with Pennar, this problem, this chronic problem, of water scarcity in the South can be solved. I would request the hon. Minister to make some efforts in this direction and provide more resources. We are already borrowing from the World Bank and the International Monetary Fund. Let the World Bank, or, other International agencies, be requested to take some interest in these river water projects. Thank you.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Shri Gopalsinh Solanki.

SHRI RAM AWADHESH SINGH: Sir, what about me?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): You were called earlier, but you were not present.

SHRI RAM AWADHESH SINGH (Bihar): I want to setek clarifications.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please sit down, It cannot be done now.

SHRI RAM AWADHESH SINGH: In the end at least I may be called.

SHRI GOPALSINH G. SOLANKI (Gujarat), Thank you, Mr. Vice-Chairman. The first part of the statement shows that the inteiim order of the Cauvery Water Dispute Tribunnal was to be published in Government Gazette through notification and ultimately the matter went to the Supreme Court being refered by the President of India. Now the Government has come to the conclusion to notify it again by publishing it in the Government Gazette. So, is the Government going to stick to the particular interim order and the direction laid down there in the order of Cauvery Water Dispute Tribunal dated 25th June, 1991?

The sesond part of the statement is quite contrary to the first part. In the last part it is said:

> "The Government will make every endeavour to act in the best interests of all concerned and to uphold the sanctity of the legal process. I would also like to assure the House that Government will strive to secure the most beneficial use of the Cauvery waters and in fairi proportions amongst all concerned."

This goes with bilateral views. On the one hand the Government wants to stick to the particular interim order and on the other it wants to hope for the equity so far as legal aspect is concerned. This may be clarified.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Shri David Ledger. Not there. Shri J. S. Raju, two minutes.

SHRI J. S. RAJU (Tamil Nadu): Mr. Vice-Chairman, Sir, I do not want to repeat all the aspects of this issue in favour of Tamil Nadu because we have put forth everything both, before this august House and also before the Tribunal.

I welcome the notification of the interim order to the Tribunal in the official Gazette. Now the stand of Tamil Nadu has been vindicated. The Centre has taken a right step, keeping in mind the federal structure of our policy, but I have some genuine apprehension because Karnataka has always used one of the other tactic to dillly-dally the issue. Therefore, will the Minister assure that the interim order will be implemented in full? What measure will the Government adopt to monitor the implementation of the order? And, in the background of this Cauvery water dispute will the Government take steps to nationalise rivers to avoid such disputes in future?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Shri Hanumanthappa.

AN HON. MEMBER: He has already spoken.

SHRI H. HANUMANTHAPPA: I want to preface my speech by saying that I am a defeated warrior. Vincent has won the battle, Narayanasamy has won the battle...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Do not take names.

SHRI H. HANUMANTHAPPA: I am sorry. This is how they treat the subject. That is why I am agitated.

SHRI V. NARAYANASAMY: How are you treating the subject in relation to your State?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Hanumanthappa, you should not feel hurt about it. It is a way of expression.

SHRI H. HANUMANTHAPPA: I am hurt, Sir I want to go on record that I am hurt by the notification, I am hurt by the statement of the Minister. Shri Gurudas Das Gupta pointed out how States are

being integrated, but that integration starts with discrimination. Sir, Karnataka has suffered the perpetual discrimination from the days of the colonial rule. We are the victims of the colonial rulers. I have already narrated the story how an agreement of 1924 was arrived at, a Governor sitting as a master and the residents sitting in a small Mysore State with the prince. That is the agreement and that has continued even after the freedom was achieved.

SHRI B. K. HARIPRASAD: You are greedy. ...(*Interruptions*)... We have been suffering. You are greedy..... (*Interruptions*)...

SHRI MISA R. GANESAN: Now the judgment has come. It is only the Tribunal and the Supreme Court which have come to do justice to Tamil Nadu. After all, the Tamils have succeeded in getting justice. ....(*Interruptions*)....

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): This is not the way. You are not in the Cauvery Basin. You are in the House and you must follow the rules of the House. Even water follows the banks, you know.

SHRI H. HANUMANTHAPPA: Mr. Vice-Chairman, actually, the British Government sealed the future of the Karnataka people.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Seek your clarifications now.

SHRI H. HANUMANTHAPPA: I am coming to the clarifications, but I have to preface the clarifications. The British Government sealed the future of the Karnataka people. The Karnataka people also participated in the freedom struggle. But what is the meaning of freedom if perpetuation of discrimination continues even in independent India? Even the present-day Government has continued that tradition of actually sealing the future of Karnataka. What right have they to seal the future of the coming generations of this State?

SHRI MISA R. GANESAN: Point of order. Is it a clarification?

SHRI H. HANUMANTHAPPA: I am coming to clarifications; I am not going out of the way. .... (*Interruptions*)...

SHRI MISA R. GANESAN: You should seek clarifications. Don't make statements. ... (*Interruptions*)...

SHRI J. S. RAJU: He is making a statement. ...(*Interruptions*)..

SHRI MISA R. GANESAN: I can also give a sermon. ...(*Interruptions*)..

SHRI H. HANUMANTHAPPA: If you want that I should stop, I will not speak.

SHRI MISA R. GANESAN: Then ask for clarifications.....(*Interruptions*)..

SHRI H. HANUMANTHAPPA: I will ask; I am standing to ask....(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Hanumanthappaji...

SHRI H. HANUMANTHAPPA: Sir, if I am given an uninterrupted hearing I can speak and otherwise not. ....(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): How can you expect it in the stormy weather? In the stormy weather you can't expect it.

SHRI H. HANUMANTHAPPA: If I am not protected by you, I can't go on.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I will protect you; go ahead.

SHRI H. HANUMANTHAPPA: Actually, what is the stand that the Government of India has taken today? Unfortunately, many of my friends on the right side are now saying that it should be settled. And these are the people who are responsible for the appointment of this Tribunal.

SHRI MISA R. GANESAN: Thank you very much for accepting it.

SHRI H. HANUMANTHAPPA: Now, having tied our hands, they say that there should be a settlement. What is the stand that the Government of India has taken today? The Government of India, since the Supreme Court has washed off its hands, say that they are no more interested in negotiations. And you are opening a Pandora's box. There are so many disputes among the States—inter-State disputes are there. If we encourage this tendency of going to court and getting injunctions and directions, where will we end up? Then the united fabric of this country will be in danger. That is what I wanted to say.

Coming to the notification today, I want to seek some clarifications. Sir, the 25th November 1991 statement of the Minister says, that it is "decided to initiate such actions as may be necessary." What are the actions that the Minister is going to initiate? Will he seek further clarification from the Tribunal regarding the unimplementability of the Order? That is No. 1.

Then, clause 5.3 calls upon the Government of India that if there are certain clarifications to be sought, the Government of India also should seek those clarifications within three months. Why has the Government of India also failed, in spite of our going before the Government of India and saying that this is an unimplementable Order and it would create problems in its implementation?.. *(Interruptions)*...Did not the Government of India think that there was a reason to seek clarifications from the Tribunal in this respect? Or is the Government satisfied that in the form in which it has come out, it is implementable? If it is implementable, it is okay. But if there is even an iota of doubt in the mind of the Government of India, then why did the Government of India fail in approaching the Tribunal within the stipulated time? Will that time-stipulation not apply to the Government of India also?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please conclude.

SHRI H. HANUMANTHAPPA: Sir, the statement says:

> "The matter has been examined further — particularly in the light of the pronouncement of the Supreme Court that the interim order of the Tribunal is required to be notified by the Government in order to become binding and effective."

This order is effective on whom? It is effective on the parties to the dispute.

But the Supreme Court has kept open one more subject, whether the Tribunal has the power to grant interim relief when no reference is made by the Central Government. Now I ask the Government: Will the Government seek clarification on this issue because this interim order has been given not at the instance of the Government of India? The Government of India has not sought for it. The Tribunal is not a court. It has to work under the terms of reference. The terms of reference was given by the Government of India. The Government has not sought for an interim order. The Supreme Court has kept the subject open. Will the Minister seek a clarification from the Supreme Court whether this interim order of the Tribunal is binding on the Government of India?

SHRI V. NARAYANASAMY: This point has already been answered by the Supreme Court.

SHRI H. HANUMANTHAPPA: I hope the Minister is capable of answering my questions. He does not require the support of Mr. Narayanasamy.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please conclude.

SHRI V. NARAYANASAMY: I remind the hon. Member that it has already been answered.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please conclude. Any other clarification?

SHRI H. HANUMANTHAPPA: Lastly, before concluding, I want to ask the Minister whether delegations from both the States have called upon the Prime Minister.

I want the attention of the Minister.

SHRI V. NARAYANASAMY: Mr. Minister, please.

SHRI H. HANUMANTHAPPA: I want to ask whether delegations from both the States, including the Chief Ministers, have called upon the Prime Minister or the Water Resources Minister, what their demands were and what the reaction of the Government is to them.

Lasly, I want to out on record: Let it not be seen by outer world that the Government of India is being pressurised by Tamil Nadu.

SHRI V. NARAYANASAMY: No, Sir. We take a strong exception to that. (*Interruptions*).

SHRIMATI JAYANTHI NATARAJAN): It is not fair.

SHRI H. HANUMANTHAPPA: I have not completed my sentence.

SHRI V. NARAYANASAMY: Pressure was applied by Karnataka only. (*Interruptions*).

SHRI H. HANUMANTHAPPA: I will take it at its face value. But I want to quote that the CCPA meeting was held on Monday night when the Central Cabinet has taken a decision. But on Saturday a newspaper carried a report which quote:

> "'The Centre has no option after the Supreme Court's directive but to gazette the interim order of the Cauvery Tribunal' the Union Law Minister told here on Friday, 'it has no discretion in the matter.'"

SHRI V. NARAYANASAMY: This is his individual opinion.

SHRI H. HANUMANTHAPPA: He the Law Minister. He is not an individual. Three days before the CCPA meeting, the Minister comes out with this statement. (*Interruptions*). The only thing is: Let not an impression be carried outside that there is pressure on this. (*Interruptions*).

SHRI R. K. DHAWAN (Andhra Pradesh): The Minister will reply to these questions. Why are you interrupting him?

SHRI H. HANUMANTHAPPA: The Minister is capable of replying to these questions. Why are my friends interrupting me?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please conclude now.

SHRI H. HANUMANTHAPPA: Sir, with an agitated mind I go on record that a great injustice has been done to the people of Karnataka by this interim order which is unimplementable. The people of Karnataka are very much agitated. I would request the Government of India to maintain the federal character and the union character and to come to the rescue of people who are in distress.

Thank you. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please sit down.

Mr. Hanumantha Rao, you ask clarifications.

SHRI MOTURU HANUMANTHA RAO: I want the passions to be settled. I niether approve nor disapprove the award.

I put the blame on the Congress (I) Party because the Congress (I) Party was in an advantageous position to settle the matter when in both hte States there were Congress (I) Governments or Governments friendly to the Congress (I) Party. Instead of inviting the Supreme Court to intervene, they should have called leaders of the ruling parties in both the States and settled the mater through negotiation. They did not attend 4-00 P.M.
to it. They had taken the issue to the Supreme Court even though it is in the name of *Rashtrapati.*

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): What is the clarification you want?

SHRI MOTURU HANUMANTHA RAO: I want a clarification why it was sent to the Supreme Court. *(Interruptions)*. Please hear me. You don't lose anything. You have gained so much.

My first point is that they should not have taken the issue to the Supreme Court. The second point is even now they should have attempted a negotiated settlement between both the sides. That they have not done. On the other hand they have come forward with an award. This award has taken advantage of the ample water that is flowing into the Cauvery water this year. But my question is ,what is going to happen next year? All these problems are there. Even now they are to be settled to the satisfaction of both the sides or in a just way. So, I would like to know what steps the Government of India is going to take in regard to the settlement of the whole dispute. Moreover, I also want to ask the hon. Minister whether similar steps—not by tribunals or through courts, but by a negotiated settlement—he is going to take in order to settle the issues in regard to the Telugu Ganga between Karnataka, Andhra Pradesh and Tamil Nadu. That water dispute is also pending for a long time. Maharashtra also has got some interest in it. The hon. Minister is in an advantageous postion because in Karnataka, Maharashtra and Andhra Pradesh there are Congress (I) Governments. Besides in Tamil Nadu there is a friendly Government there. So, on all sides a favourable situation is there for them to settle the dispute. Let them take immediate action to settle that dispute also so that the Telugu Ganga project also comes into effect as early as possible.

These are the issues on which I seek clarifications from the hon. Minister.

SHRI B. K. HARIPRASAD: While associating myself with my senior colleague, Shri Hanumanthappa, I would like to say that we have lost the war, but the people of Karnataka have not lost the battle it. While the Order is discriminatory or unqualified, it imposes a duty on the State of Karnataka to ensure 205 tmc of water in Tamil Nadu's Mettur reservoir in a year from June to May. It prescribes a right and flexible calendar for releasing water every month and week ignoring totally the requirement of water for the State of Karnataka for its existing cultivation or its availability. This Order reduces the State of Karnataka to the position of a valveman to mechanically lift the gates for releasing the water.

The Order in a most inequitable manner restrains the State of Karnataka from extending irrigation beyond 11.2 lakh acres without imposing a corresponding restriction on the State of Tamil Nadu and the Union Territory of Pondicherry.

The present Order is to be put in operation till the final adjudication. As the conditions will not be static and the utilisation in other States such as Kerala and Tamil Nadu might vary, such an interim Order is to be reviewed every year and not to be permanent till the final adjudication.

SHRI S. MADHAVAN (Tamil Nadu): The Statement of the hon. Minister mentions about the availability of water this year. That gives rise to doubts whether the Government of India is going to take further steps to implement the Order of the Tribunal or not. That is a doubt which the Minister may clarify.

The Tamil Nadu State was getting water up to 1974 under a formula called 'limit flows'. It gives water irrespective of the number of crops we get out of it. We may develop one crop, two crops or three crops. There were teams of officers representing both the States to monitor the flow of water from Karnataka to the Tamil Nadu State. May I know from the Minister, after this interim order has been issued, whether the Government of India is going to have a team of officers representing the two States to monitor the flow of water? This question must be answered by the Minister; otherwise again the same old pattern of dispute will arise. Under a bila-

teral agreement between the Government of Karnataka and the Government of Tamil Nadu, Tamil Nadu was getting water up to 1974. I want to remind my colleagues from Karnataka here about it. There was a bilateral interim agreement signed by both the State Governments and the Chief Ministers. I was a party to that agreement. It was clear in the agreement that no State will impound the water to affect the existing rights of the two States. That agreement signed by the Government of Karnataka had been flouted by them. That is the reason for our going to the Tribunal. Mrs. Indira Gandhi was dealing with this aspect. Mr. Jagjivan Ram was the Irrigation Minister. Both spent many hours together for solving this problem. Mr. Jagjivan Ram advised the Government of Karnataka to abide by the interim agreement signed between the Government of Tamil Nadu and the Government of Karnataka. Now under the federal set-up, it is the duty of the Government of India to implement the Tribunal's order and the Supreme Court directions.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Honourable Members, now there is a hitch about Mr. Ram Awadhesh Singh. When his name was called, he was not present. Ordinarily he loses the right to speak. But with the leave of the House I can permit him.

SOME HON. MEMBERS: Permit him.

श्री राम अवधेश सिंह : उपसभाध्यक्ष महोदय, माननीय मंत्री जी के द्वारा जो यह बयान रखा गया है उसमें कई ऐसी चीजें हैं जिनके बारे में जानकारी प्राप्त किये बिना इस पर स्पष्टीकरण मांगें जायें या कोई दूसरी मांग की जाय, वह अधूरी होगी क्योंकि उनके बारे में इस बयान में कुछ भी नहीं कहा गया है । हो सकता है, इस बारे में तमिलनाडु के लोग जानते हों, कर्नाटक के लोग जानते हों । उनको इस बयान में होना चाहिए था, उनका पूरा विवरण होना चाहिए था कि कितना पानी औसत दर्जे के मौसम में कर्नाटक के लिए जरूरी है और कितना तमिलनाडु के जरूरी है । माननीय मंत्री जी ने अपने बयान में बताया है कि इस साल अच्छा मानसून होने की वजह से ट्रीब्यूनल ने पानी के बंटवारे का हिसाब दिया है । इस बारे में पूरा विवरण नहीं है । हम लोग तो अंदाजे से कह सकते हैं कि ट्रीब्यूनल ने पानी के बंटवारे का जो हिसाब दिया है उसके मुताबिक वर्षा हो जाएगी । लेकिन अगले साल वर्षा नहीं होगी तो तब क्या होगा ?

SHRI SANTOSH BAGRODIA (Rajasthan): Sir, I am on a point of order. The Water (Prevention and Control of Pollution) Cess (Amendment) Bill, 1991 should have been taken up.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): We will complete the clarifications and the reply thereon on the statement by the Minister of Water Resources.

SHRI SANTOSH BAGRODIA: The original decision was it should be taken up after lunch. I am only trying to point it out.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I appreciate. Let us complete the statement.

श्री राम अवधेश सिंह : इस बयान से यह भी पता नहीं चलता है कि जहां से पानी का बंटवारा होगा वहां कोई डेम है या नहीं है ? वहां से बिजली बनती है या नहीं बनती है । पन बिजली का कोई झगड़ा है या नहीं है, या केवल पानी के बंटवारे का ही झगड़ा है । इन बातों के बारे में इस बयान से कुछ भी स्पष्ट नहीं होता है । इसलिए हम जानना चाहते हैं कि पानी के बंटवारे की जगह पर कोई डेम बना हुआ है तो उसकी स्थिति क्या है क्योंकि ऐसा है कि हमारे यहां भी इसी तरह की घटना है और वह रिहन्ड डेम के बारे में है । रिहन्ड डेम और वाण सागर डेम के बारे में समझौता हो गया और समझौता 1974 में किया गया । जसा मैं कह चुका हूं, यह समझौता रिहन्ड डेम के बारे में था। यह हुआ कि बिजली बिहार को मिलेगी और 18 हजार क्युसेक पानी **(व्यवधान)**

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Only on the statement.

SHRI RAM AWADHESH SINGH: It is relevant.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please restrict yourself to Cauvery.

श्री राम अवधेश सिंह : यह कहा गया है कि बाइलेटरल एग्रीमेंट हुआ 1974 में और उसके मुताबिक पानी का बंटवारा हो रहा है । वही मैं कह रहा हूं कि जितने भी बाइलेटरल एग्रीमेंट हुए हैं, केन्द्र की देखरेख में वह समझौते टूट रहे हैं । जैसे हमारे यहां टूटा है । रिहन्ड डैम हैं । जैसे हमारे कह रहा हूं । ऐसा नहीं हो कि उस समय किस संदर्भ में समझौता हुआ और आज क्या स्थिति पैदा हो गई है । जैसे इसमें दो तीन तारीखें हैं । मैं समझता हूं 25-6-91 को ट्रिब्यूनल का फैसला हुआ और मंत्री जी का बयान है 26-7-9 का जिसमें उन्होंने कहा है कि ट्रिब्यूनल का फैसला अपने आप लागू हो जाएगा । उसके लिए नोटिफिकेशन की कोई जरूरत नहीं है । लेकिन सुप्रीम कोर्ट ने कहा कि नहीं उसके नोटिफिकेशन की जरूरत है । बिना नोटिफिकेशन के अपने आप सुओ-मोटो आप्रेटिव नहीं होगा लेकिन मैं कहना चाहता हूं कि क्या यह कर्नाटक को जलील करने के लिए या कर्नाटक का हिस्सा हड़पने के लिए सरकार की कोई इसमें मिलीभगत है । उस समय तो कहा कि अपने आप आप्रेटिव है । मैं यह जानना चाहूंगा कि अब नोटिफिकेशन कर रहे है । उस समय कहते कि नोटिफकेशन की जरूरत है तो झगड़ा नहीं होता । झगड़ा तो केन्द्र ने लगाया है । हाउस में बयान दिया 26-7-91 को उस बयान से कर्नाटक सरकार ने आर्डिनेंस निकाला । दोनों का झगड़ा केन्द्र सरकार ने लागाया है । केन्द्र सरकार ने अपनी जवाबदेही को पूरे तौर पर नहीं निभाया है इसलिए यह झगड़ा हुआ है । उस समय यह कहते कि जब तक नोटिफिकेशन नहीं होगा तब तक पानी **(व्यवधान)**

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please conclude now.

श्री राम अवधेश सिंह : मैं कन्क्लूड कर रहा हूं । मैं जानना चाहता हूं कि सरकार कावेरी नदी के समझौते में जो ट्रिब्यूनल का इंटेरिम फैसला है उसका तो नोटिफिकेशन कर लिया और भी क्या जो ऐसे समझौते हुए हैं, कुछ राज्यों को हानि हुई है जैसे मैंने रिहन्ड डैम का बताया है, ऐसे सवालों पर भी क्या विचार करेगी क्योंकि बिहार को 18 हाजार क्युसेक पानी मिलना था और उत्तर प्रदेश को तीन सौ मैगावाट बिजली मिलनी थी ।

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): That does not arise. You don't go into irrelevant matters.

श्री राम अवधेश सिंह : मैं यह चाहता हूं कि ऐसा न हो कि फिर ऐसे समझौते हों और वह टूटे तथा सरकार देखती रहे । मैं यह जानना चाहता हूं कि क्या केन्द्र सरकार ऐसे ही देखती रहेगी या इफेक्टिवली लागू करेगी ।

SHRI VIDYA CHARAN SHUKLA: Sir, this matter has been coming before the House from time to time and the Government have given various information. However, on a few points which hon. Members want to know, I would like to give as much information as I have in my possession. Some Members expressed the worry whether the gazette notification would remain a mere piece of paper or would really be implemented. I would like to draw the attention of tthe hon. Members to the Inter-State Water Disputes Act, 1966, where clause 6 says that such award by Tribunal, whether interim or final, will be binding on the parties to the dispute, and shall be given effect to by them. The disputing parties themsleves have to give effect to it and we will certainly be watching and if there is any lacuna anywhere or any lack of action in not giving effect to the legal order or law of the land, then we shall certainly intervene to see that it is properly given effect to and the gazette notification shall not be allowed to remain on paper only and I am sure that the responsible Governments of Tamil Nadu and Karna-

taka, both, will abide by the law as it exists.

The other question that was asked was whether there would be any problem in implementing the award. I don't foresee any problem. We have precedents, we have got experience, we have got the machinery to implement the award and the award will be implemented in the best interests of both sides.

The question was asked what is going to be the stand of the Government of India on the question of limitation for seeking clarification or guidance from the Tribunal within three months of the date of award being given? Here, I would like to say that the Government of India was not a party to this dispute and therefore, we are not involved in seeking clarifications or going in for the Tribunal on the question of limitation etc. The parties concerned have moved the Tribunal and the Tribunal will probably give its findings on 12th or 13th which is the date fixed for the next hearing.

The question was asked whether we have a scheme. I have already said that we have. One question that is nagging the minds of the people of Karnataka is going to happen in a bad rainfall year. This is for the good rainfall year or average fainfall year. In such cases the precedents are there and in this particular matter also, we shall see that if there is any distress, the distress is equitably distributed. It is not that the distress will be by one section of the population, one part of the country and another part will not be there. There would be an attempt by natural negotiations and talk and proper persuasion that distress situation is properly borne by both sides and no side is made to suffer about this.

Some people have asked what was the hurry to gazette the notification. As a matter of fact, since the opinion of the Supreme Court was voluminous, it took about two weeks to study it and come to a conclusion. And therefore, there was no undue hurry. As a matter of fact, after the Supreme Court had said that we should notify the award in the official gazette, the notification should have appeared quite soon. But we took time to minutely examine the entire matter and then we gazetted the Tribunal's order.

The question has been asked what steps we will take to assuage the hurt feelings of the people of Karnataka. The main matter has been raised by many hon. Members today and earlier also. The main matter is the paucity or shortage of water in Cauvery basin. When you start distributing a scare commodity between parties, this kind of problem arises. Even if every drop of Cauvery water is legitimately, properly and in a just manner distributed, still it will not meet with the aspirations of people of Tamil Nadu, Pondicherry, Kerala or Karnataka because Cauvery basin is water-deficit basin. The water required there for irrigation is much more than Cauvery carries and therefore, what are hon. Members said about the interlinking of the peninsular river basin, is the long term answer to this problem. Oenc this interlinking of peninsular river system takes place—inter-basin linking of Mahanadi to Godavari, Godavari to Krishna, Krishna to Cauvery—this kind of interlinking will solve this matter for ever. All the arable areas in the South... (*Interruptions*)...

SHRI MENTAY PADMANABHAM: Sir, I have mentioned certain specific projects.

SHRI VIDYA CHARAN SHUKLA: I am coming to them. We are giving utmost importance to this particular matter. Prefeasibility study has been done. Further action has been taken on this matter. As soon as we can implement that scheme, we will do that. We have very seriously taken up this matter and it is being pursued with all the resources at our command. A suggestion has been made about making good the loss in minor irrigation etc., we will do that. There is no problem as far as action on our side is concerned. Some people asked, What were the main issues involved? Several times it has been explained and

[Shri Vidya Charan Shukla]

I don't think it is necessary for me to repeat it on the issues that were raised on this dispute. It was also asked whether we would seek any clarification from the Tribunal. At present there is no such necessity, but in case any such necessity arises in times of distress or there is any problem, we are free to seek such clarification... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Are you yielding, Mr. Minister?

SHRI H. HANUMANTHAPPA: No, no, after completion.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): After completion do you want to seek a clarification? ... (*Interruptions*)... No, no: no more debate. If he yields I will permit you. Mr. Minister, would you like to yield for a minute as he wants to seek only one clarification?

SHRI VIDYA CHARAN SHUKLA: No, Sir. I would like to finish it first. A question was raised whether we are monitoring the flow of water etc. We are doing it very well and we are doing it systemetically. There is no problem so far as we are concerned. The last concluding question was raised by Ram Awadheshji.

राम अवधेश बाबू ने तो पूरा इतिहास खोल करके वहां रख दिया और दुनियां भर के सब झगड़ों को भी इसमें जोड़ने की कोशिश की ।

मैं यह कहना चाहता हूं कि यह इतिहास तो कई बार यहां पर दोहराया जा चुका है । उस इतिहास में जाने की आवश्यकता नहीं है । अब तो यह आवश्यकता है कि जो भी झगड़े सामने आयें हैं, उनको हम सद्भावनापूर्वक और अच्छी तरह से संभाले और जिनको इस निर्णय से कठिनाई हुई है, उनकी कठिनाइयों को दूर करने का भरसक प्रयास करें और जो अन्य झगडे हैं, उनको भी हम लोग कानून के तहत, विधि सम्मत तरीके से उनका हल ढूंढने का प्रयास करें, जिस तरह से इसमें किया गया है ।

मैं कर्नाटक के लोगों से विशेष रूप से कहना चाहता हूं कि उनको इसमें किसी प्रकार की चिंता करने की आवश्यकता नहीं है, क्योंकि यदि उनको कोई कठिनाई अभी महसूस हो रही है, तो उस कठिनाई को दूर करने के लिए हम लोग विभिन्न उपायों पर विचार कर रहे हैं । इसके बारे में मैं कह सकता हूं कि जो भी उनकी कठिनाइयां हैं, भारत सरकार अपनी तरफ से पूरा प्रयास करके उन कठिनाइयों को दूर करने का पूरा यत्न करेगी ।

SHRI H. HANUMANTHAPPA: Sir, I would like to seek only one small clarification. The Tribunal hts ordered that we should ensure 205 TMC of water at Mettur. This includes the water that will be collected in the Tamil Nadu territory... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Let us not complicate. Leave it to the Ministry.

SHRI H. HANUMANTHAPPA: Here is a confusion: one says 'yes' and the other says 'no'.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): If he is willing to give the answer, I have no objection.

SHRI VIDYA CHARAN SHUKLA: The Tribunal has given a speaking order and there is no confusion in this regard.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I think the matter is over. Now we take up the water (Prevention and Control of Pollution) Cess (Amendment) Bill, 1991. Shri Bagrodia. (*Interruptions*). Ram Awadheshji, we are on another subject.

THE WATER (PREVENTION AND CONTROL OF POLLUTION) CESS (AMENDMENT) BILL, 1991—contd

SHRI SANTOSH BAGRODIA (Rajasthan): Mr. Vice-Chairman, Sir, I rise to support the Water (Prevention and Control